

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)

Rural Call Completion)

WC Docket No. 13-39

REPLY COMMENTS OF HD TANDEM

HD Tandem hereby submits these reply comments in response to the Second Further Notice of Proposed Rulemaking in the above-captioned rulemaking proceeding.¹ The comments in this proceeding demonstrate that the Commission could dramatically increase rural call completion (“RCC”) rates by:

- prohibiting the use of more than two intermediate providers in RCC paths while also establishing a waiver process for carriers that (1) have a legitimate need to use more than two intermediate carriers in RCC paths and (2) can ensure compliance with the FCC’s RCC call completion requirements;
- implementing a public registry at the FCC for all intermediate carriers serving RCC paths; and
- requiring carriers to ensure that the average utilization of trunk groups used to complete rural calls never exceeds 80%.

These measures would not be overly burdensome or inflexible for carriers or the Commission, but they would provide critical accountability that is lacking under today’s rules. This type of accountability would materially reduce the need for the Commission to initiate investigations and

¹ *Rural Call Completion, Second Further Notice of Proposed Rulemaking*, WC Docket No. 13-39, FCC 17-92 (rel. July 14, 2017) (“*Further Notice*”).

enforcement actions for RCC failures, but investigations and enforcement actions would be far easier for the Commission when they are necessary. For these reasons, HD Tandem respectfully requests the Commission to promptly adopt the measures proposed here.

I. The Commission Should Prohibit the Use of More Than Two Intermediate Providers in RCC Paths

The Further Notice and other initial comments demonstrate agreement that multiple hops in a call path create issues with call quality, and make enforcement of the FCC's RCC rules much more difficult.² The Commission adopted the Managing Intermediate Provider Safe Harbor ("Safe Harbor") to encourage providers to reduce the number of intermediate providers in a call path before the call reaches the terminating provider or terminating tandem to no more than two.³ HD Tandem agrees with NTCA and WTA that the success of the safe harbor provides the Commission with "direct evidence that limiting the number of 'hops' in a call path and requiring transparency of intermediate providers by contract is effective."⁴ CenturyLink, for example, who not only has chosen to be a Safe Harbor provider but also has chosen to go one step further by limiting routing to one hop, notes that now rural call completion complaints are "extraordinarily rare."⁵ Therefore, HD Tandem agrees with AT&T, NTCA, WTA, ITTA, CenturyLink and others that the FCC should require all covered providers to limit the number of intermediate providers

² See, e.g., *Further Notice* ¶ 2; AT&T Comments, WC Docket No. 13-39, at 7, n. 21 (filed Aug. 28, 2017) ("Many of the symptoms of call completion problems - such as excessive call set up time and inaccurate ring tones or intercept messages - can be resolved by limiting the number of intermediate providers in the call path. And if there is an issue, a limited number of intermediate providers allows carriers to isolate the problem and determine its cause more effectively."); NTCA and WTA Joint Comments, WC Docket No. 13-39 at 12 - 13 (filed Aug. 28, 2017) (identifying the best practice being "to limit intermediate providers to include no more than one additional provider in the routing of a call"); ITTA Comments, WC Docket No. 13-39, at 3 (filed Aug. 28, 2017) (stating that the "real source of rural call completion problems has been the multitude of intermediate providers that are often links in the path of a long distance call to a rural area").

³ 47 CFR § 64.2107; *Rural Call Completion, Report and Order and Further Notice of Proposed Rulemaking*, 28 FCC Rcd 16154, 16191-92, ¶ 86 (2013) ("2013 RCC Order").

⁴ NTCA and WTA Joint Comments, WC Docket. No 13-39, at 13 (filed Aug. 28, 2017).

⁵ CenturyLink Comments, WC Docket No. 13-39, at 2 (filed Aug. 28, 2017).

in a call path before the call reaches the terminating provider or terminating tandem to no more than two.⁶

The nation's largest carriers already limit themselves to two intermediate providers.⁷ As such, prohibiting the use of more than two intermediate providers in RCC paths would not be overly burdensome for the industry, particularly if the Commission also adopts a waiver process for carriers that: (1) have a legitimate need to use more than two intermediate carriers in RCC paths; and (2) can ensure compliance with the FCC's RCC call completion requirements.

Waivers should be available only to carriers who identify, and take responsibility for, each of the intermediate carriers proposed in the waiver. HD Tandem therefore supports mandating a two-carrier limit with the expedited waiver process that HD Tandem has proposed for carriers with a legitimate need to use more than two intermediate carriers in RCC paths.

II. The Commission Should Establish a Public Registry for All Intermediate Carriers

Transparency in the call path is a key ingredient necessary for the Commission to enforce RCC rules.⁸ For this reason, HD Tandem's initial comments in this proceeding urged the Commission to require carriers to maintain records of (1) the intermediate carriers they use for the RCC paths and (2) the relevant contractual or tariff provisions that prevent such intermediate carriers from handing the relevant calls off to unauthorized/unidentified carriers. The initial

⁶ See, e.g., Letter from Jill Canfield, V.P., Legal & Industry, Assistant General Counsel, NTCA, to Marlene H. Dortch, Secretary, FCC, WC Docket 13-39, at 3 (filed July 6, 2017) (describing the "industry-wide consensus that rural call completion problems can be mitigated if originating providers . . . limit the number of 'hops' among intermediate carriers.") ("NCTA *Ex Parte*").

⁷ NTCA and WTA Joint Comments, WC Docket No. 13-39, at 13 (filed Aug. 28, 2017) ("AT&T and CenturyLink have certified their compliance with the safe harbor and Verizon is similarly bound by the terms of its consent decree. Thus, the nation's largest providers, with a combined nearly 70% of the long-distance market share and 70% of the wireless market share, are currently limiting the use of intermediate providers.").

⁸ See, e.g., NTCA and WTA Joint Comments, WC Docket No. 13-39, at 12 (filed Aug. 28, 2017) (discussing the importance of "transparency with respect to who is handling traffic.").

comments in this proceeding reflect support for the creation of a public registry,⁹ which is also gaining support in Congress as evidenced by "The Improving Rural Call Quality and Reliability Act of 2017," which has passed both the U.S. Senate and the U.S. House of Representatives¹⁰ These bipartisan proposals would require intermediate carriers to abide by reasonable minimum quality standards, register with the FCC to aid in enforcement efforts, and ensure that originating carriers only use registered intermediate carriers.¹¹

The creation of a public registry would make it far easier for the Commission to investigate rural call completion failures and poor call quality, which would greatly strengthen the incentives for carriers to comply with the Commission's RCC rules. Therefore, HD Tandem respectfully urges the Commission to create a public registry for intermediate carriers, and require covered providers to only use intermediate carriers that have registered with the Commission, specified the exchanges they serve, and committed to follow certain industry best practices.

III. The Commission Should Prohibit the Use of Trunks with a Utilization Level of 80% or More for RCC Paths

The record in this proceeding demonstrates that busy or exhausted trunk capacity is another material contributing cause of rural call completion problems.¹² For example, the National Association of State Utility Consumer Advocates ("NASUCA") urges the Commission to require each intermediate carrier to provide "specific information regarding any bandwidth or other capacity constraints that would prevent its system from completing calls to particular

⁹ ITTA Comments, WC Docket No. 13-39, at 4 - 5 (filed Aug. 28, 2017).

¹⁰ Improving Rural Call Quality and Reliability Act of 2017, H.R. 460 (passed Jan. 23, 2017); S. 96 (passed Aug. 3, 2017) (115th Congress) ("2017 RCC Act").

¹¹ *Id.* The 2017 RCC Act would "direct the FCC to require providers that transmit voice calls to register with the agency and establish quality standards for transmitting voice calls." *See* <https://www.klobuchar.senate.gov/public/index.cfm/2017/8/klobuchar-thune-tester-bipartisan-legislation-to-improve-rural-call-completion-passes-senate>.

¹² *See* National Association of State Utility Consumer Advocates Comments, WC Docket No. 13-39 at 4-5 (filed Aug. 28, 2017).

destinations at busy times."¹³ Best practices and well-established industry standards call for the augmentation of trunks when they reach a utilization of eighty percent (80%) of the engineered capacity of the trunks. When trunk utilization exceeds 80%, the risk of dropped calls and poor quality dramatically increases. Unfortunately, utilization rates of 80% or more remain common for RCC paths. Therefore, the Commission should require carriers to ensure that the average utilization of trunk groups used to complete rural calls never exceeds 80%.

IV. Summary

For the reasons set forth in these comments, HD Tandem respectfully urges the FCC to: (1) prohibit the use of more than two intermediate providers in RCC paths with an established waiver process for carriers that have a legitimate need to use more than two intermediate carriers in RCC paths and can ensure compliance with the FCC's RCC call completion requirements; (2) establish a public registry for all intermediate carriers; and (3) require carriers to ensure that the average utilization of trunk groups used to complete rural calls never exceeds 80%.

Respectfully submitted,

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¹³ *Id.*